THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.25997 of 2005

Date:16.12.2005

K.Venkata Vara Prasad.

--------PETITIONER

The Government of A.P., rep. By its Secretary, Department of Revenue (Endowments) Secretariat Buildings, Hyderabad and others.

---------RESPONDENTS

ORDER:

The petitioner states that he has been engaged as a Junior Assistant in Srikalahastheeswara Swami Temple (for short 'the Temple') from December 2004 on wards, on a consolidated pay of Rs.2,500/- per month. He submits that having regard to the work load in the Temple, and the necessity to continue the Junior Assistant, the Executive Officer submitted proposals to the 2nd respondent on 04.04.2005, and acting on the same, the then Commissioner passed orders on 12.04.2005, according permission to the Executive Officer, to continue the petitioner on payment of remuneration as per SSR rates. The petitioner states that the Temple started paying as per SSR rates, at the rate of 150/- per day, with effect from April 2005.

The Government of Andhra Pradesh, 1st respondent herein, took note of the large scale irregularities committed by the then Commissioner and issued orders in G.O.Ms.No.1422, dated 25.07.2005, cancelling all the orders of appointment, promotion, permissions accorded for payment of salaries on S.S.R.rates etc. in exercise of the power under Section 93 of the Andhra Pradesh Charitable and Hindu Religious Institutions & Endowments Act, 1987. The petitioner filed W.P.No.19849 of 2005 assailing the order in G.O.Ms.No.1422, insofar as it related to him. The Writ Petition was disposed

of, along with a batch of similar Wit Petitions. The Government was directed to issue notices to the affected parties and pass fresh orders. It was in this context that the Government issued orders in G.O.Rt.No.2148, dated 10.11.2005, setting aside the proceedings, dated 12.04.2005, passed by the then Commissioner. The petitioner feels aggrieved by the same.

Heard the learned counsel for the petitioner, the learned Government Pleader for Endowments and the learned Standing Counsel for the 3rd respondent-Temple.

The petitioner vehemently contends that even before the then Commissioner passed orders, dated 12.04.2005, according permission to the 3rd respondent to pay remuneration as per S.S.R.rates, he was continuing on consolidated salary of Rs.2,500/- per month. He contends that even if the benefit is conferred upon him by virtue of the orders, dated 12.04.2005, he cannot be discontinued from service. The learned Standing Counsel for the 3rd respondent-Temple has placed before this Court, the relevant record which discloses that the petitioner was being paid the consolidated salary of Rs.2,500/- per month, before the permission was accorded through proceedings, dated 12.04.2005, for payment of remuneration as per SSR rates.

It may be true that the petitioner was working in one capacity or the other, much before the then Commissioner passed orders on 12.04.2005. However, the 1st respondent has emphasized all through that the appointments in the religious institutions must be against the existing posts and duly following the regular procedure. Viewed from this context, it becomes necessary to verify as to whether there exists any vacant posts of Junior Assistants, and the continuance of the petitioner even on consolidated pay is in the interests of the Temple. For this purpose, the 3rd respondent-Temple may have to submit its proposal to the 2nd respondent for continuing the petitioner on the same terms, as they existed prior to the order, dated 12.04.2005, passed by the then Commissioner, whereunder the SSR rates were granted to him. The

engagement or otherwise of the petitioner would depend upon the nature of orders that may be passed by the 2nd respondent.

Hence, the Writ Petition is disposed of directing that-

a. in case the 3rd respondent-Temple feels that the services of the petitioner are needed to it, it shall submit its proposal together with the necessary facts to the 2nd respondent, within a period of three (3) weeks from the date of receipt of a copy of this order; and

b. the 2nd respondent shall pass appropriate orders on the proposal, so submitted, within a period of four (4) weeks thereafter.

c. There shall be no order as to costs.

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16.12.2005

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